



February 25, 2005

## HOUSE BILL No. 1138

DIGEST OF HB 1138 (Updated February 23, 2005 7:48 am - DI 92)

**Citations Affected:** IC 4-33; noncode.

**Synopsis:** Gaming commission. Provides that each member of the gaming commission serves at the pleasure of the governor rather than for a three year term. Changes residency requirements for members of the gaming commission. Provides that a riverboat operating in a county along Lake Michigan or the Ohio River must have either a valid certificate of inspection from the United State Coast Guard or an alternative certification required by the commission. Establishes a study committee on gaming.

**Effective:** Upon passage; July 1, 2005.

**Alderman**

January 6, 2005, read first time and referred to Committee on Public Policy and Veterans Affairs.

February 24, 2005, amended, reported — Do Pass.

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HB 1138—LS 7513/DI 92+



February 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1138

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-33-3-2 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission consists  
3 of seven (7) members appointed by the governor.

4 (b) Each member of the commission must:

5 (1) be a resident of Indiana; and

6 (2) have a reasonable knowledge of the practice, procedures, and  
7 principles of gambling operations.

8 (c) At least one (1) member of the commission must be experienced  
9 in law enforcement and criminal investigation.

10 (d) At least one (1) member of the commission must be a certified  
11 public accountant experienced in accounting and auditing.

12 (e) At least one (1) member of the commission must be an attorney  
13 admitted to the practice of law in Indiana.

14 (f) ~~Three (3) members~~ **One (1) member** of the commission must be  
15 ~~residents~~ **a resident** of a county described in IC 4-33-1-1(1).

16 (g) ~~Three (3) members~~ **One (1) member** of the commission must be  
17 ~~residents~~ **a resident** of a county described in IC 4-33-1-1(2).

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(h) ~~One (1)~~ member of the commission must be a resident of a county not described in IC 4-33-1-1(1) or IC 4-33-1-1(2).

(i) ~~(h)~~ Not more than four (4) members may be affiliated with the same political party.

(j) ~~The governor shall appoint each of the initial members of the commission not later than September 1, 1993.~~

SECTION 2. IC 4-33-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~(a) Except as provided in subsection (b), the term of office of A commission member is three (3) years. serves at the pleasure of the governor.~~

~~(b) When making the initial appointments to the commission under this chapter, the governor shall do the following:~~

~~(1) Appoint two (2) members to serve for terms of three (3) years.~~

~~(2) Appoint two (2) members to serve for terms of two (2) years.~~

~~(3) Appoint three (3) members to serve for terms of one (1) year.~~

SECTION 3. IC 4-33-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A vacancy on the commission shall be filled for the ~~unexpired term~~ in the same manner as the original appointment.

SECTION 4. IC 4-33-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have **either:**

**(A) a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; or**

**(B) an alternative certification required by the commission that requires either:**

**(i) structural and life safety standards that are equivalent to the standards necessary to obtain a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; or**

**(ii) in the case of a riverboat holding a valid certificate of inspection from the United States Coast Guard on January 1, 2005, the structural and life safety standards equal to the standards necessary to obtain a valid certificate of inspection at the time the riverboat received its original certificate of inspection; and**

**(2) be at least one hundred fifty (150) feet in length.**

(b) This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic

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1 Indiana steamboat passenger vessels of the nineteenth century.  
 2 However, steam propulsion or overnight lodging facilities are not  
 3 required under this subsection.

4 **(c) If an alternative certification is required under subsection**  
 5 **(a), the commission has the sole authority to determine the**  
 6 **structural, life safety standards, and other related standards**  
 7 **required for issuing the certification required under subsection**  
 8 **(a)(1)(B).**

9 SECTION 5. [EFFECTIVE JULY 1, 2005] **(a) As used in this**  
 10 **SECTION, "committee" refers to the interim study committee on**  
 11 **gaming established by this SECTION.**

12 **(b) There is established the interim study committee on gaming.**  
 13 **The committee shall study the following:**

14 **(1) The employment of maritime employees on the riverboats.**

15 **(2) The appropriate agency to establish safety standards that**  
 16 **would take effect after the United States Coast Guard ceases**  
 17 **inspecting permanently moored riverboats on January 1,**  
 18 **2006.**

19 **(3) Whether the Indiana gaming commission should continue**  
 20 **to contract with the state police department or develop its**  
 21 **own law enforcement division to fulfill the commission's**  
 22 **duties under IC 4-33-4-3(a)(7).**

23 **(4) Any personnel, management, or pension issues relating to**  
 24 **the development of a law enforcement division within the**  
 25 **Indiana gaming commission.**

26 **(c) The committee shall operate under the policies governing**  
 27 **study committees adopted by the legislative council.**

28 **(d) The affirmative votes of a majority of the voting members**  
 29 **appointed to the committee are required for the committee to take**  
 30 **action on any measure, including final reports.**

31 **(e) The state police department, the Indiana gaming**  
 32 **commission, and the board of trustees of the public employees'**  
 33 **retirement fund shall provide the commission with any information**  
 34 **or assistance necessary to carry out the purposes of this SECTION.**

35 **(f) This SECTION expires November 1, 2005.**

36 SECTION 6. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 1. IC 4-33-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission consists of seven (7) members appointed by the governor.

(b) Each member of the commission must:

- (1) be a resident of Indiana; and
- (2) have a reasonable knowledge of the practice, procedures, and principles of gambling operations.

(c) At least one (1) member of the commission must be experienced in law enforcement and criminal investigation.

(d) At least one (1) member of the commission must be a certified public accountant experienced in accounting and auditing.

(e) At least one (1) member of the commission must be an attorney admitted to the practice of law in Indiana.

(f) ~~Three (3) members~~ **One (1) member** of the commission must be ~~residents a resident~~ of a county described in IC 4-33-1-1(1).

(g) ~~Three (3) members~~ **One (1) member** of the commission must be ~~residents a resident~~ of a county described in IC 4-33-1-1(2).

(h) ~~One (1) member of the commission must be a resident of a county not described in IC 4-33-1-1(1) or IC 4-33-1-1(2).~~

(i) ~~(h)~~ Not more than four (4) members may be affiliated with the same political party.

(j) ~~The governor shall appoint each of the initial members of the commission not later than September 1, 1993.~~

Page 2, delete lines 20 through 25, begin a new paragraph and insert:

"SECTION 4. IC 4-33-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have **either:**

- (A) a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; **or**

(B) **an alternative certification required by the commission that requires either:**

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(i) structural and life safety standards that are equivalent to the standards necessary to obtain a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; or

(ii) in the case of a riverboat holding a valid certificate of inspection from the United States Coast Guard on January 1, 2005, the structural and life safety standards equal to the standards necessary to obtain a valid certificate of inspection at the time the riverboat received its original certificate of inspection; and

(2) be at least one hundred fifty (150) feet in length.

(b) This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic Indiana steamboat passenger vessels of the nineteenth century. However, steam propulsion or overnight lodging facilities are not required under this subsection.

(c) If an alternative certification is required under subsection (a), the commission has the sole authority to determine the structural, life safety standards, and other related standards required for issuing the certification required under subsection (a)(1)(B).

SECTION 5. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "committee" refers to the interim study committee on gaming established by this SECTION.

(b) There is established the interim study committee on gaming. The committee shall study the following:

(1) The employment of maritime employees on the riverboats.

(2) The appropriate agency to establish safety standards that would take effect after the United States Coast Guard ceases inspecting permanently moored riverboats on January 1, 2006.

(3) Whether the Indiana gaming commission should continue to contract with the state police department or develop its own law enforcement division to fulfill the commission's duties under IC 4-33-4-3(a)(7).

(4) Any personnel, management, or pension issues relating to the development of a law enforcement division within the Indiana gaming commission.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members

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appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) The state police department, the Indiana gaming commission, and the board of trustees of the public employees' retirement fund shall provide the commission with any information or assistance necessary to carry out the purposes of this SECTION.

(f) This SECTION expires November 1, 2005."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1138 as introduced.)

ALDERMAN, Chair

Committee Vote: yeas 12, nays 0.

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